

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PETER PHANEUF

Plaintiff

v.

POLARIS INDUSTRIES, INC.

Defendant

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CIVIL ACTION 1:16-cv-00278-JAW

MOTION TO SET TRIAL IN PORTLAND, MAINE

NOW COMES Plaintiff, by and through undersigned counsel, and moves this Court for an order to set this case for trial in Portland, Maine. As reasons therefore, counsel states the following:

1. In this personal injury action, Plaintiff Peter Phaneuf seeks recovery for injuries he sustained when he was severely burned by a 2007 Polaris Sportsman EFI ATV manufactured by Defendant Polaris Industries, Inc.

2. Plaintiff's injuries received on May 25, 2013, occurred in the Town of Monson, County of Piscataquis and State of Maine.

3. Pursuant to D. Me. Local R. 3(b), cases arising in Piscataquis County are "ordinarily tried" at Bangor.

4. Plaintiff resides in Southborough, Massachusetts with his wife and step-children, and is employed as a fireman for the Town of Foxborough, Massachusetts. He was enjoying a holiday weekend at the time of his injury. His ability to attend trial and return to his home and family during this lengthy trial would be enhanced if this case was tried in Portland.

5. Several people accompanied Plaintiff to Monson, Maine, on the weekend of his injury; each is a Massachusetts resident and is likely to be a witness in this case. It would be easier for these witnesses if this case was scheduled for trial in Portland.

6. Plaintiff has retained several experts and provided information to Polaris with respect to their opinions. These experts are residents of Texas, Arkansas, New Hampshire and

Massachusetts. Their travel to and appearance at trial would be facilitated, if this case is tried in Portland.

7. Plaintiff has undergone six surgeries. Except for the first day of his medical treatment, all treatment occurred in Boston, Massachusetts.

8. Defendant Polaris Industries, Inc. is incorporated under the laws of the State of Minnesota, and does substantial business throughout Maine, including at two locations specifically in Cumberland County.

9. Polaris, through its counsel, has indicated that it will oppose this Motion.

10. Pursuant to D. Me. Local Rule 1(a), the preference for trial in Bangor may be relaxed, when Justice so requires. Plaintiff respectfully requests that this case be scheduled for trial in Portland, because trial in Bangor will impose a substantially greater burden on the Plaintiff and his many witnesses, without significant advantage to the Defendant.

WHEREFORE, the Plaintiff respectfully moves this Court for an order assigning this case for trial in Portland, Maine.

Dated: June 8, 2016

/s/Terrence D. Garmey
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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2016, I caused the foregoing Motion to Set Trial in Portland, Maine to be served on counsel for defendant in the above-captioned matter by email and U.S. Mail, postage prepaid, as follows:

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